



## **FREMONT PLANNING BOARD**

**November 19, 2008**

### **Meeting Minutes**

Approved January 21, 2009

Present: Chairman Roger Barham, Co-Chair and CC Rep. Jack Karcz, Members Leon Holmes, Jr. and John (Jack) Downing, Building Official Thom Roy, RPC Circuit Rider David West and Land Use AA/Recording Secretary Meredith Bolduc.

#### **MINUTES**

Mr. Karcz made the motion to approve the minutes of the November 5, 2008 meeting as written. Motion seconded by Mr. Downing with unanimous favorable vote.

#### **INCLUSIONARY HOUSING ORDINANCE**

Mr. West presented the CTAP application for \$5,000 for funding for assistance to create an Inclusionary Housing Ordinance. The application was signed by Mr. Karcz as Conservation Commission Chairman and will be forwarded the Selectmen for the Chairman's signature also.

#### **CONSERVATION COMMISSION; NH RSA 36-A: 4-a AMENDMENT**

Mr. Barham reported that the change in the provision of RSA 36-A that authorizes Town Conservation Commissions to make contributions from their conservation funds to "qualified organizations" for acquisition of property interests (fee or easement) held by the organizations, and/or transaction costs related to these purchases has been reviewed by the Selectmen and Town Counsel and will be on the 2009 Warrant for the Voters.

#### **MOOSE MEADOW DRIVE**

The Board received a copy of a November 14, 2008 correspondence from Town Administrator Heidi Carlson to Shawn Senter relative to the acceptance of Moose Meadow Drive at the 2009 Town Meeting and the posting of his 2-year maintenance bond. Also received was a copy of a November 14, 2008 correspondence from Town Administrator Heidi Carlson to Community Bank & Trust Vice President Philip Plante relative to the release of Mr. Senter's current letter of credit.

#### **PF NOMINEE TRUST, PHILIP FOGARTY TRUSTEE**

##### **VOLUNTARY LOT MERGER**

Map 7 Lot 098

Mr. Barham reported that the Board has received a Voluntary Lot Merger form for property located at Map 7 Lot 098 from owner Philip Fogarty, trustee of PF Nominee Trust, as per NH

RSA 674:39-a Voluntary Merger.

As per the document, which is signed by owner Philip Fogarty and his legal counsel Scott W. LaPointe, PE. ; “The applicant requests that the Town of Fremont, New Hampshire hereby merge lots 93, 94 and 95 as identified on the Duston’s Shores January 1957 Plan III recorded at the Rockingham County Registry of Deeds as Plan 02331, being a portion of Fremont, New Hampshire Tax Map 7 Lot 098 for the purposes of being assessed and treated for regulatory purposes as a single tract or parcel of land.”

The Board consulted the plan submitted and, following a discussion, it was the consensus of the Board that this lot merger would not create a violation of the current Fremont Zoning Ordinance or Subdivision Regulations.

Mr. Holmes made the motion to direct Mr. Barham to sign the Voluntary Lot Merger form for PF Nominee Trust, Philip Fogarty Trustee, for property located at lots 93, 94 and 95 as identified on the Duston’s Shores January 1957 Plan III recorded at the Rockingham County Registry of Deeds as Plan 02331, being a portion of Fremont, New Hampshire Tax Map 7 Lot 098. Motion seconded by Mr. Downing with unanimous favorable vote.

This form will be forwarded to the Board of Selectmen for their approval and signature and then recorded at the Rockingham Registry of Deeds.

BUDGET

The Board received and reviewed the P&Z General Leger expenditure report for the date ending November 13, 2008. The Commission also received a November 13, 2008 correspondence from Town Administrator Heidi Carlson advising; 1) that all department end of year bills should be submitted by December 20, 2008; 2) that the Budget Committee has not yet made their recommendations; and 3) the Public Budget hearing date is set for January 13, 2009.

Mr. Barham noted that there is a \$23.20 deficit in line #4191-010 (mileage) and Mrs. Bolduc said that she has one more mileage sheet to submit in the amount of \$19.36. She said that she does not think there will be more, but cannot be totally sure.

Mr. Karcz made the motion to respectfully request the Selectmen approve a line item transfer within the current Planning/Zoning budget from line #4191-006 (Expense Reimbursement) to line #4191-010 (Mileage) in the amount of \$100.00 to cover expenses that have and/or may occur to exceed approved funding of that line.

Motion seconded by Mr. Downing with unanimous favorable vote.

ROB THIBEAULT

Map 6 Lot 062-11-1

Mr. Thibeault did not keep his scheduled appointment with the Board.

## MASTER PLAN

### Water Resource section of the Natural Resource Inventory Chapter TARGETED BLOCK GRANT (TBG)

Mr. West submitted the contract for the 2009 RPC Targeted Block Grant (TBG) grant for the update of the Water Resource portion of the Natural Resource Inventory section of the Master Plan. Mr. Holmes made the motion to direct Mr. Barham to sign the application. Motion seconded by Mr. Karcz with unanimous favorable vote. The application will need to be signed by the Board Chairman and Board of Selectmen and a copy returned to RPC.

### Transportation Chapter

Mr. West is working on the Transportation Chapter of the Master Plan. He presented a map of Fremont and the status of each road and street were discussed.

### Land Use Chapter

The Members reviewed the updated draft of the Land Use Chapter of the Master Plan. Mr. Holmes motioned to move this forward to a Public Hearing at 7:30 pm December 17, 2008. Motion seconded by Mr. Downing with unanimous favorable vote.

### Natural Hazards Mitigation Plan

The Members reviewed the updated draft of the Natural Hazards Mitigation Plan Chapter of the Master Plan.

Mr. Karcz motioned to move this forward to a Public Hearing at 7:30 pm December 17, 2008. Motion seconded by Mr. Downing with unanimous favorable vote.

## ZONING ORDINANCE AMENDMENTS

The Members reviewed the following proposed amendment to Article IV Section 3-A of the Zoning Ordinance.

*As it relates to Article IV Section 3 and Article XI Section E-1; where-ever a commercial use or a mixed use of residential and commercial are proposed on the same lot the minimum lot size shall be further determined in that each 2000 square feet (or any part thereof) of commercial use shall constitute a calculate-able unit for the purpose of determining the minimum lot size. The lot size minimum is as determined by Article IV Section 3 and/or Article XI Section E-1; whichever applies.*

### Examples:

*The minimum lot size for consideration of commercial Conditional Use Permit in the Flexible Use District would be 2 acres or if in the Aquifer Protection District the minimum lot size for a commercial conditional use permit would be 3 acres.*

### A proposed 10,000 sq ft commercial

*A 10,000 square foot commercial use outside of the Aquifer District would require at total of 4.3 acres. Calculation:  $10,000/2000 = 5$  units and minimum lot size is 2 acres, 2 acres plus 20,000 sq ft times the number of units (5) of calculation = 4.3 acres.*

There was a discussion relative to the rational that; 1) by any standard this would be large capacity structure (see square footage tables = a 100' by 100' or 50' x 200' structure or a 50' x 100' 2 story); 2) this can happen only after site plan review of Conditional Use Permit; and 3) today there is no minimum standard lot size.

*A proposed 4000 square foot mixed use w/3 residential*

*A mixed use 4,000 square foot commercial with 3 residential 2 bedroom dwelling units. The lot is outside the Aquifer. Calculation:  $4,000/2000 = 2$  plus 3 dwelling units = 5 calculatable units and the minimum lot size is 2 acres, 2 acres plus 20,000 sq ft times the number of units (5) of calculation = 4.3 acres.*

The following working tables of square footage calculation examples were reviewed.

square footage	width	length
10000	100	100
10000	90	111
10000	80	125
10000	70	143
10000	60	167
10000	50	200
10000	40	250
10000	30	333
10000	20	500

square footage	width	length
900	30	30
1200	30	40
1500	30	50
1600	40	40
2000	40	50
2500	50	50
3200	40	80
4000	50	80
4800	60	80
6400	80	80

There was a discussion relative to the rational that; 1) today the minimum requirement would be 2.83 acres as calculated by 3 residential units; 2) from the square foot tables this is still a relatively large structure for residential areas – possibly a 50' by 80' structure; and 3) this can happen only after site plan review of Conditional Use Permit. The Members agreed that today there is no minimum lot size, but decided not to note that in the ordinance.

Mr. Karcz made the motion approve this ordinance amendment and to move this forward to the Selectmen and Town Counsel with the request that it be included as an Article in the 2009 Warrant for the voters.

Motion seconded by Mr. Downing with unanimous favorable vote.

It was agreed that, if the Article is approved, this would fit as Section 3-A of existing Article IV of the Zoning Ordinance.

#### GRISTMILL, LLC

The Board reviewed a chronology of events for Gristmill that Mr. Bolduc complied as directed at the October 15, 2008 meeting. It was found that the plan for Phase II was recorded on December 22, 2006 after a bond was posted in accordance with the conditions of the approval. It was agreed that further research is needed.

#### CORRESPONDENCES

1. A copy of a November 18, 2009 correspondence from Town Administrator Heidi Carlson to James Morin, Jr. Vice President of Saugusbank requesting reissuance of the expired Irrevocable Letter of Credit for the benefit of John Wilder and the Cooperage Forest Subdivision/Coopers Corner project.
2. Notice from RPC of the 2009 Targeted Block Grant (TBG).

Mr. Karcz made the motion to adjourn at 9:55 pm.

Motion seconded by Mr. Downing with unanimous favorable vote.

Respectfully submitted,  
Meredith Bolduc, Land Use AA/Recording Secretary